

City Council Minutes

The Round Rock City Council met in Regular Session on Thursday, March 10, 2005, in the City Council Chamber, 221 E. Main Street.

CALL WORK SESSION TO ORDER – 6:15 P.M.

ROLL CALL: Those members present were Mayor Nyle Maxwell, Mayor Pro-tem Alan McGraw, Councilmember Joe Clifford, Councilmember Scot Knight, Councilmember Scott Rhode and Councilmember Gary Coe. Councilmember Tom Nielson was absent. Also present were City Manager Jim Nuse and City Attorney Steve Sheets.

PRESENTATIONS:

3.A. Consider a presentation regarding the status of Public Transportation Planning for the City of Round Rock. Tom Word, Chief of Public Works Operations made the staff presentation. City staff is evaluating potential plans for Public Transportation for the City. Mr. Word gave the following report concerning the development of the Transit Master Plan.

Milestone 1 - Ridership Analysis

Conclusion: Potential for current and future transit ridership exists based on CAMPO Travel Demand Model Analysis

Milestone 2 - Alternative Service Plans and Vehicle Technologies

- Two service plans carried forward for further analysis:
 - Fixed route concept
 - Demand response (door-to-door) concept
- Vehicle technology recommendation:
 - Diesel Buses
 - *Lower cost to purchase

- *Lower cost to maintain

Milestone 2 – Fixed Route Service Plan

- Transit Centers/Shuttle Concept
- Includes Express Route to/from Austin

Milestone 3 – Institutional & Organizational Analysis

- Recommendations
 - *Create a transit department within the existing city governmental structure
 - *Contract out transit operations

Milestone 4 – Financial Plan

- Initial results concluded only the Demand Response concept would be financially feasible
- Revised Financial Plan developed to reflect:
 - Initial Transit System Plan
 - *Demand Response
 - *Connector Route to Capital Metro Express Route to Austin
 - *Downtown Shuttle Route
 - Alternate funding options
 - Impact of potential Incremental Extension to planned Shopping Center and College Campus

Revised Financial Plan–Funding Scenarios

Estimated Annual Costs

- Operations - \$931 K
- Initial Capital Program - \$4.9 M
 - Vehicles - \$612 k
 - Maintenance facility - \$2 M
 - Transportation Center - \$2.2 M
 - Shelters - \$17 K
 - Bus Stop Signs - \$7 K

Local funding sources

- \$500k from city ½ cent sales tax
- \$92k from fare revenue (assumed 10%)
- \$82 k from advertising revenue (buses and shelters)

Potential Federal Funds Options

FTA Section 5307 Funds

- Scenario 1 – Round Rock Part of Austin Urbanized Area
 - Round Rock would receive a portion of funds designated for Austin Area (Capital Metro)
 - Round Rock's portion - \$303k (Capital Metro Study)
 - Funds designed for Capital Program (80/20)
 - *Can be used for preventative maintenance (30% of O&M); or
 - *Can be used for contracting service (40% of O&M)

FTA Section 5307 Funds

- Scenario 2 – Round Rock Reclassified as a Small Urbanized Area
 - Round Rock would receive a portion of the State pool for Small Urbanized Areas
 - Distribution based on population & density
 - 2003 Round Rock's portion - \$706k
 - Funds can be used for Capital Program (80/20 split); or Operations (50/50 split)

FTA Section 5309 Funds

- Congressional Earmarks for Bus and Bus-related capital programs (80/20 split)
- VERY Competitive program

FTA Job Access Reverse Commute (JARC) Grant

- Annual application process
- Can be used for either operations or capital (50/50 split)
- Grants range from \$15k to over \$500k

Mr. Word outlined the graph regarding Conceptual Funding

Scenarios 1 and 2 with Local Funds and Section 5307 Funds Only and Conceptual Funding Scenarios 3 and 4 with Section 5309 and Job Access Reverse Commute Grants.

- Scenarios 3 and 4 require the smallest City contribution due to the 80/20 split on the capital program, assuming a 3.3% annual increase for the City's initial \$500k contribution, both scenarios would be able to cover O&M and Capital requirements over the 20 year cash flow analysis

Potential Incremental Expansion

- Provide service to new mall and college campus
- Operational impacts
 - Doubles length of Shuttle Route
 - Adds 30 hours of service per day
 - Requires 3 additional buses
 - Requires 2 additional shelters
- Estimated Cost impacts
 - Increased O&M - \$351k
 - Increases Capital - \$162K
- Estimated Additional Revenue
 - Fares - \$35k
 - Advertising - \$9k
- City's Contribution
 - More than \$200k annually for O&M and Capital

Next Steps

Complete Milestone 5 – Transit Master Plan

Barry Goodman, of The Goodman Company provided additional information regarding the federal funding options.

There being no additional presentations the work session at 6:55 p.m.

CALL REGULAR SESSION TO ORDER – 7:00 P.M.

PLEDGE OF ALLEGIANCE:

Mayor Maxwell led the Pledge of Allegiance.

ROLL CALL: Those members present were Mayor Nyle Maxwell, Mayor Pro-tem Alan McGraw, Councilmember Joe Clifford, Councilmember Scot Knight, Councilmember Scott Rhode and Councilmember Gary Coe. Councilmember Tom Nielson was absent.

Also present were City Manager Jim Nuse and City Attorney Steve Sheets.

CITIZENS COMMUNICATIONS:

Alisha Carlisle and members of the Senior Citizens Foundation spoke on the upcoming Daffodil Festival scheduled for March 19 from 9:00 a.m. to 6:00 p.m. in the downtown area.

Frank Minicino, 1801 Warner Ranch Drive, expressed his opinion and concern regarding actions taken with his employment by the Texas Workforce Commission.

PROCLAMATIONS:

8.A. Consider proclaiming March 19, 2005 as the 10th Annual Daffodil Festival Celebration. Mayor Maxwell read the following proclamation and presented it to Alisha Carlisle and members of the Senior Citizens Foundation.

WHEREAS, due to the hard work of the Round Rock Senior Citizens Foundation the City of Round Rock is now considered the "Daffodil Capital of Texas"; and

WHEREAS, the goal of the Round Rock Senior Citizens Foundation is to make Round Rock look like a sea of daffodils; and

WHEREAS, every grassy spot in front of businesses, offices, and along the medians down Main Street will have daffodils pop up and say "Round Rock Welcomes You To The 10th Annual Daffodil Festival"; and

WHEREAS, the Round Rock Senior Citizens Foundation hopes that the daffodils will serve as a beacon to the Round Rock community and spread the interest in the advancement of a high quality of life and social adjustment for senior citizens; and

WHEREAS, the Daffodil Festival at the Round Rock Senior Center will welcome visitors with live auction, door prizes, raffles, tempting foods, entertainment, arts and crafts and fun filled activities; and

NOW, THEREFORE, I, Nyle Maxwell, Mayor of the City of Round Rock, Texas, do hereby proclaim March 19, 2005 as the

"10th ANNUAL DAFFODIL FESTIVAL CELEBRATION"

and urge all citizens to visit the Senior Center and join the Round Rock Senior Citizens Foundation in celebrating this joyful occasion.

PROCLAIMED this 10th day of March 2005.

PUBLIC HEARINGS:

9.A.1. Consider public testimony on community needs for the preparation of the 2005-2006 Community Development Annual Plan. Mona Ryan, Community Development Coordinator made the staff presentation. The Code of Federal Regulations (CFR) 91.105 (e) requires that at least two public hearings per year be held to obtain citizens' views on community needs for the preparation of a consolidated plan. This is the fifth of seven public hearings being held to gain that input. The final public hearing will be held on March 31, 2005 at Berkman Elementary School. The first five public hearings were held at the United Way with public service agencies on February 23 and March 3; March 3 at City Hall before the Community Development Advisory Commission; March 8 at the Round Rock Housing Authority Cushing Center; March 8 at CD Fulkes Middle School; and March 14 at the Round Rock Public Library. Comments gathered at public hearings will be considered for plan development and noted in the final document that will be adopted by the City and presented to the Department of Housing and Urban Development in August 2005.

Mayor Maxwell opened the public hearing. There being no public testimony, the public hearing was closed.

9.B.1. Consider public testimony on the creation of the Forest Creek Drive Public Improvement District. Tom Martin, Transportation Services Director made the staff presentation. On or about December 10, 2004, a petition was received from the owners of a certain property within portions of the Round Rock Ranch Subdivision to create the Forest Creek Drive Public Improvement District (PID). This District will levy assessments against real property within the Forest Creek Drive PID to pay for the costs of construction of portions of this road. Forest Creek Drive is a

major arterial shown in the City's Transportation Master Plan. The City currently has a project to construct remaining portions of this facility between Rusk Road and the Lake Forest Subdivision. This project is being funded using 4B Corporation Funds and developer contributions made through Cost Sharing/Development Agreements. However, the portion of this project, through Round Rock Ranch, is proposed to be paid by means of a PID. The contract for this construction, in the amount of \$2,969,564.65 was awarded by the City Council at the August 26, 2004 meeting. This public hearing is to receive public testimony on the advisability of these improvements and the creation of the PID.

Mayor Maxwell opened the public hearing. There being no public testimony the public hearing was closed.

PRESENTATIONS:

10.A.1. Consider a presentation regarding the CAMPO Draft 2030 Transportation Plan. Michael Aulick, Executive Director of CAMPO outlined the Draft 2030 Transportation Plan.

CONSENT AGENDA:

The following items were considered routine by the City Council and were enacted by one motion with no discussion. Item 13C1 was withdrawn from the consent agenda and addressed in its normal sequence on the agenda.

*12.A.1. Consider approval of the City Council minutes for February 24, 2005 and December 1, 2004.

*13.B.1. Consider an ordinance authorizing the placement of stop signs at various intersections in the Sonoma Subdivision, Sections 11 & 12. (Second Reading)

*13.B.2. Consider an ordinance authorizing the replacement of yield signs with stop signs on various downtown streets. (Second Reading)

*13.B.3. Consider an ordinance to place "15 Minute Parking" signs on Main Street at the southwest corner of its intersection with Lampasas Street for a distance of 20 feet, and to remove two existing fifteen minute parking zones. (Second Reading)

*13.B.4. Consider an ordinance amending Chapter 9, Section 9.502 of the Round Rock Code of Ordinances establishing a 45-mph speed zone on Old Settlers Boulevard from 750' east of Sunrise Road to FM 1460. (First Reading)

*13.B.5. Consider an ordinance amending Chapter 9, Section 9.502 of the Code of Ordinances (1995 Edition) establishing a 45-mph speed zone on Kiphen Road from FM 1460 to CR 122. (First Reading)

*13.B.6. Consider an ordinance amending Chapter 9, Section 9.503 of the Code of Ordinances (1995 Edition) establishing school speed zones in the Behrens Ranch Subdivision. (First Reading)

*13.C.1. Consider an ordinance amending Chapter 3, Section 3.1412, Code of Ordinances (1995 Edition) regarding the regulation of outdoor signs in the City's extraterritorial jurisdiction. (Second Reading) This item was removed from the consent agenda.

MOTION: Councilmember Rhode moved to approve all the remaining items on the consent agenda. Mayor Pro-tem McGraw seconded the motion.

<u>VOTE:</u>	Ayes:	Councilmember Nielson Mayor Pro-tem McGraw Councilmember Clifford Councilmember Knight Councilmember Rhode Councilmember Coe Mayor Maxwell
	Nays:	None
	Absent:	None

ACTION: The motion carried unanimously.

APPROVAL OF MINUTES:

*12.A. Consider approval of the City Council minutes for February 24, 2005 and December 1, 2004. This item was approved under the consent agenda.

ORDINANCES:

13.A.1. Consider an ordinance authorizing the Mayor to execute a franchise agreement with Pedernales Electric Cooperative (PEC). (First Reading) David Kautz, Assistant City Manager made the staff presentation. PEC has been serving electric power to a small area in western Round Rock (a portion of the Mayfield Ranch subdivision) since 2003. Staff has been negotiating a Franchise Agreement with Pedernales Electric Cooperative and recommended approval of an agreement containing the terms that are listed below.

1. Term – January 1, 2003 through December 31, 2012 (ten years).
2. The agreement applies to electric power delivered to customers within the City.
3. Franchise Fee - \$35,000 per year or 2% of gross receipts, whichever is greater; If company implements Customer Choice (i.e., participates in deregulation), the fee changes to \$0.002788 per kWh delivered.
4. Franchise Fee paid quarterly
5. The agreement and fee schedule applies to any additional area annexed by the City, which is in the PEC service area.

The currently known service area has approximately 250 residential accounts and may serve between 700 and 800 accounts.

ORDINANCE NO. _____

AN ORDINANCE GRANTING THE RIGHT, PRIVILEGE AND FRANCHISE TO PEDERNALES ELECTRIC COOPERATIVE, INC., AND ITS SUCCESSORS AND ASSIGNS, TO USE THE PUBLIC RIGHTS-OF-WAY OF THE CITY OF ROUND ROCK, TEXAS FOR THE DISTRIBUTION OF ELECTRIC POWER; PROVIDING FOR PERIOD OF GRANT; FOR METHOD OF ACCEPTANCE; FOR CONSIDERATION; FOR CONSTRUCTION AND RELOCATION OF SYSTEM FACILITIES; FOR ASSIGNMENT; AND FOR REPEAL OF CONFLICTING ORDINANCES.

MOTION: Councilmember Nielson moved to adopt the ordinance. Councilmember Rhode seconded the motion.

<u>VOTE:</u>	Ayes:	Councilmember Nielson Mayor Pro-tem McGraw Councilmember Clifford Councilmember Knight Councilmember Rhode Councilmember Coe Mayor Maxwell
	Nays:	None
	Absent:	None

ACTION: The motion carried unanimously.

*13.B.1. Consider an ordinance authorizing the placement of stop signs at various intersections in the Sonoma Subdivision, Sections 11 & 12. (Second Reading)

This item was approved under the consent agenda. Stop signs will be placed on Rosemount Cove at Rosemount Drive, on Vinwood Cove at Rosemount Drive, on Ravenwood Drive at Rusk Road

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE TRAFFIC CODE BY DESIGNATING THE FOLLOWING INTERSECTIONS IN THE SONOMA SUBDIVISION, SECTIONS 11 AND 12 AS STOP INTERSECTIONS: ROSEMOUNT COVE AT ROSEMOUNT DRIVE, VINWOOD COVE AT ROSEMOUNT DRIVE, AND RAVENWOOD DRIVE AT RUSK ROAD; PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES OR RESOLUTIONS.

*13.B.2. Consider an ordinance authorizing the replacement of yield signs with stop signs at various downtown streets. (Second Reading) This item was approved under the consent agenda. Yield signs will be replaced with stop signs on South Sheppard Street at East Bagdad Avenue, South Lampasas Street at East Bagdad Avenue, North Lampasas Street (north and southbound) at East Liberty Avenue.

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE TRAFFIC CODE BY REPLACING YIELD SIGNS WITH STOP SIGNS AT THE INTERSECTIONS OF SHEPPARD STREET AT BAGDAD AVENUE, LAMPASAS STREET AT BAGDAD AVENUE, AND LAMPASAS STREET AT LIBERTY AVENUE; PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES OR RESOLUTIONS.

*13.B.3. Consider an ordinance to place "15 Minute Parking" signs on Main Street at the southwest corner of its intersection with Lampasas Street for a distance of 20 feet, and to remove two existing fifteen minute parking zones. (Second Reading) This item was approved under the consent agenda.

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 9, SECTION 9.1817, CODE OF ORDINANCES (1995 EDITION), CITY OF ROUND ROCK, TEXAS, TO ESTABLISH A FIFTEEN MINUTE PARKING ZONE ON A PORTION OF EAST MAIN STREET, AND TO REMOVE TWO EXISTING FIFTEEN MINUTE PARKING ZONES; PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES OR RESOLUTIONS.

*13.B.4. Consider an ordinance amending Chapter 9, Section 9.502 of the Round Rock Code of Ordinances establishing a 45-mph speed zone on Old Settlers Boulevard from 750' east of Sunrise Road to FM 1460. (First Reading) This item was approved under the consent agenda.

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 9, SECTION 9.502, CODE OF ORDINANCES (1995 EDITION), CITY OF ROUND ROCK, TEXAS CHANGING THE SPEED ZONE ON A PORTION OF OLD SETTLERS BOULEVARD; PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES OR RESOLUTIONS.

*13.B.5. Consider an ordinance amending Chapter 9, Section 9.502 of the Code of Ordinances (1995 Edition) establishing a 45-mph speed zone on Kiphen Road from FM 1460 to CR 122. (First Reading)

This item was approved under the consent agenda.

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 9, SECTION 9.502, CODE OF ORDINANCES (1995 EDITION), CITY OF ROUND ROCK, TEXAS CHANGING THE SPEED ZONE ON A PORTION OF KIPHEN ROAD; PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES OR RESOLUTIONS.

*13.B.6. Consider an ordinance amending Chapter 9, Section 9.503 of the Code of Ordinances (1995 Edition) establishing school speed zones in the Behrens Ranch Subdivision. (First Reading) This item was approved under the consent agenda.

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 9, SECTION 9.503, CODE OF ORDINANCES (1995 EDITION), CITY OF ROUND ROCK, TEXAS, DESIGNATING A PORTION OF WYOMING SPRINGS DRIVE, BEHRENS PARKWAY, AND GOLDENOAk CIRCLE AS SCHOOL SPEED ZONES; PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES OR RESOLUTIONS.

*13.C.1. Consider an ordinance amending Chapter 3, Section 3.1412, Code of Ordinances (1995 Edition) regarding the regulation of outdoor signs in the City's

extraterritorial jurisdiction. (Second Reading) This item was removed from the consent agenda and addressed under the normal sequence of the agenda. Steve Sheets, City Attorney made the staff presentation. There have been no changes since the first reading of the ordinance. This ordinance would amend Section 3.1412 so that the sign regulations would not be enforced in the Brushy Creek MUD, except for that portion that is within 150" of the public right-of-way of RM 620.

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE CODE OF ORDINANCES (1995 EDITION), CITY OF ROUND ROCK, TEXAS, CHAPTER 3, SECTION 3.1412 REGARDING THE REGULATION OF OUTDOOR SIGNS IN THE CITY'S EXTRATERRITORIAL JURISDICTION; AND PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES OR RESOLUTIONS.

MOTION: Mayor Pro-tem McGraw moved to adopt the ordinance. Councilmember Nielson seconded the motion.

<u>VOTE:</u>	Ayes:	Councilmember Nielson Mayor Pro-tem McGraw Councilmember Clifford Councilmember Knight Councilmember Rhode
	Nays:	Councilmember Coe Mayor Maxwell
	Absent:	None

ACTION: The motion carried with 5 ayes and 2 nays.

RESOLUTIONS:

14.A.1. Consider a resolution approving a financial management policy for the City of Round Rock. Cindy Demers, Finance Director made the staff presentation. Because of the City of Round Rock's continued and growing reliance on sales tax revenue for general fund operations and more specifically reliance on a single source of that sales tax revenue, a formalized financial management policy is necessary to comprehensively manage and communicate both the short and long-term financial

objectives of the City. This policy establishes limitations on the use of sales tax revenue derived from Dell Inc. for general fund operations and documents the City's fund balance policy.

David Kautz, Assistant City Manager added that this management policy will not only manage growth, specifically the Dell sales tax funds.

RESOLUTION NO. _____

WHEREAS, the City of Round Rock wishes to adopt a Financial Management Policy to manage sales tax revenues and to establish minimum reserve fund levels for the General Fund and the Utility Fund, and

WHEREAS, the City wishes to adopt the attached Financial Management Policy, Now Therefore

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ROUND ROCK, TEXAS,

That the Financial Management Policy, attached hereto as Exhibit "A" and incorporated herein, is hereby approved and adopted.

The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

RESOLVED this 10th day of March, 2005.

MOTION: Councilmember Rhode moved to approve the resolution. Councilmember Nielson seconded the motion.

VOTE:

Ayes: Councilmember Nielson
Mayor Pro-tem McGraw
Councilmember Clifford
Councilmember Knight
Councilmember Rhode
Councilmember Coe
Mayor Maxwell

Nays: None

Absent: None

ACTION: The motion carried unanimously.

14.B.1. Consider a resolution authorizing the Mayor to execute an Agreement for Consulting Services with The Goodman Company for the creation of a Transit Development Plan and associated financial strategy. Tom Word, Chief of Public Works Operations made the staff presentation. As one of the fastest growing cities in the Austin region, the City of Round Rock is facing many challenges such as increased pollution, traffic congestion, and travel time delays which could negatively impact the quality of life for residents. Although the City has several improvements planned to mitigate future congestion concerns, interest has been raised in the implementation of new transit services above and beyond the current services offered by the existing demand-response service provider. In a recent "Section 5307 Allocation Strategy" report developed by The Goodman Corporation for Capital Metropolitan Transit Authority (CMTA), it became apparent that there is an opportunity to develop a comprehensive transit service and capital improvement strategy for the City that takes advantage of locally committed resources (bond program) to help leverage federal and state funding. Significantly, because of the Section 5307 funding study and CMTA Board action, a framework now exists through which the City can access its fair share of federal support to assist in transit-related improvements. CMTA will require that the City develop a

sound transportation implementation strategy and an associated financial plan. This agreement will build upon the Public Transportation planning already completed by P.B. Consult, Inc. for the City of Round Rock. The consulting services will relate to the creation of a strategic finance and implementation plan that will compliment existing transit recommendations previously developed for the City under contract with PB Consult, Inc. and embodied in the PB Consult Transit Plan (2003). The cost is as follows:

- \$ 125,000 total cost
- \$100,000 – Capital Metro Transit Authority (from Federal Section 5307 funding)
- \$ 25, 000 – CORR-General Fund

RESOLUTION NO. _____

WHEREAS, the City of Round Rock desires to retain professional consulting services for the creation of a Transit Development Plan and associated financial strategy, and

WHEREAS, The Goodman Corporation has submitted an Agreement for Consulting Services to provide said services, and

WHEREAS, the City Council desires to enter into said agreement with The Goodman Corporation, Now Therefore

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ROUND ROCK, TEXAS,

That the Mayor is hereby authorized and directed to execute on behalf of the City an Agreement for Consulting Services with The Goodman Corporation, a copy of same being attached hereto as Exhibit "A" and incorporated herein for all purposes.

The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended

RESOLVED this 10th day of March, 2005.

MOTION: Councilmember Rhode moved to approve the resolution. Councilmember Coe seconded the motion.

VOTE:

Ayes:	Councilmember Nielson Mayor Pro-tem McGraw Councilmember Clifford Councilmember Knight Councilmember Rhode Councilmember Coe Mayor Maxwell
Nays:	None
Absent:	None

ACTION: The motion carried unanimously.

14.B.2. Consider a resolution creating the Forest Creek Drive Public Improvement District. Tom Martin, Director of Transportation Services made the staff presentation. Forest Creek Drive is a major arterial shown in the City's Transportation Master Plan. The city currently has a project to construct remaining portions of this facility between Rusk Road and the Lake Forest Subdivision. This project is being funded using 4B Corporation Funds and developer contributions made through Cost Sharing/Development Agreements. However, the portion of this project, through Round Rock Ranch, is proposed to be paid by means of a PID. On or about December 10, 2004, a petition was received from the owners of certain property within portions of the Round Rock Ranch Subdivision to create the Forest Creek Drive Public Improvement District (PID). This District will levy assessments against real property within the Forest Creek Drive Public Improvement District to pay for the costs of construction of portions of Forest Creek Drive. A public hearing was held earlier this evening to receive public testimony on the advisability of these improvements and the creation of the PID. The contract for this construction, in the amount of \$2,969,564.65 was awarded by the City Council at the August 26, 2004 meeting.

RESOLUTION NO. _____

A RESOLUTION MAKING FINDINGS AS TO THE FEASIBILITY AND DESIRABILITY OF AN IMPROVEMENT DISTRICT TO BE KNOWN AS THE FOREST CREEK DRIVE PUBLIC IMPROVEMENT DISTRICT; MAKING FINDINGS AS TO THE ADVISABILITY, NATURE, AND ESTIMATED COSTS OF THE PROPOSED IMPROVEMENTS AND THE METHOD OF ASSESSMENT WITHIN THE BOUNDARIES OF THE DISTRICT; AUTHORIZING THE DISTRICT AS A PUBLIC IMPROVEMENT DISTRICT PURSUANT TO CHAPTER 372, SUBCHAPTER B, OF THE LOCAL GOVERNMENT CODE; MAKING PROVISIONS RELATED THERETO AND DECLARING AN EFFECTIVE DATE; PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES OR RESOLUTIONS.

WHEREAS, Chapter 372 of the Texas Local Government Code (the "Act") authorizes the City of Round Rock, Texas (the "City") to create one or more public improvement districts; and

WHEREAS, on or about December 10, 2004, the owners of certain real property located within the City delivered to the City a Petition (the "Petition") to create Forest Creek Drive Public Improvement District (the "District") the boundaries of which are described by metes and bounds in Exhibit "A", attached hereto and incorporated herein, save and except the 3.469 acres described in Exhibit "B," attached hereto and incorporated herein (the "Property"); and

WHEREAS, the City Secretary of the City has received the Petition and it has been determined that the owners of more than 50% of the appraised value of the taxable real property and more than 50% of the area of all taxable real property within the District have executed the Petition and that the Petition complies with the Act and authorizes the City Council to consider the creation of the District; and

WHEREAS, after providing all notices required by the Act, the City Council on March 10, 2005 conducted a public hearing on the advisability of the improvements and the creation of the District; and

WHEREAS, the City Council adjourned such public hearing.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ROUND ROCK, TEXAS:

I.

That the following findings are made and declared regarding the proposed Forest Creek Drive Public Improvement District :

1. The Petition to establish the District is sufficient and is accepted as being in compliance with the provisions of the Act;
2. It is advisable to make the improvements set forth in the Petition and the same will benefit the land described therein, enhance

the value thereof and be of benefit and use to the City and the residents of the District;

3. The nature the Proposed Improvements shall consist of the costs of materials and labor for construction of two lanes of Forest Creek Drive running through the Property, the median, sidewalks on each side of Forest Creek Drive, drainage and lighting, but not including engineering and design costs, which will be borne solely by the City. The parties hereto agree that the portion of the cost of Forest Creek Drive paid by the Developer is attributable to the needs of Developer's development.

4. The estimated costs of the Proposed Improvements are Six Hundred Seventy-seven Thousand Eighty-one and 55/100 Dollars (\$677,081.55), plus 5.5% simple interest, which includes expenses incurred in the establishment and administration of the Proposed Improvements. In no event shall the total District assessment be more than Six Hundred Seventy-seven Thousand Eighty-one and 55/100 Dollars (\$677,081.55), plus simple interest of 5.5%, except as authorized in the Development Agreement by and between the Owner and the City of Round Rock, approved by the City on August 26, 2004 in Resolution No. R-04-08-26-13E1.

5. The estimated costs shall be paid from special assessments on all the Property of the District.

6. The land described in the Petition will all be benefitted by the Proposed Improvements and therefore the boundaries of the District shall be as described in Exhibit "A," attached hereto and made a part hereof for all purposes, save and except the 3.469 acres described in Exhibit "B," attached hereto and made a part hereof;

7. The method of assessment shall be as follows: An assessment of Six Hundred Seventy-Seven Thousand, Eighty-One and 55/100 Dollars (\$677,081.55) shall be levied on the Property and shall be paid on a per-acre, pro-rated basis, due seven (7) years after Substantial Completion of Forest Creek Drive through the Property, or at time of plat recordation, whichever first occurs. Substantial Completion shall mean the date on which the City's Director of Public Works notifies the contractor that the portion of Forest Creek Drive through the Property has been finally accepted by the City.

8. The costs of the Proposed Improvements shall be shared by the Property within the boundaries of the District and by the District property owners. The City shall incur no costs associated with the PID.

II.

The Forest Creek Drive Public Improvement District is hereby created as provided by the Act and in accordance with the findings made in Section I hereof. Provided, however, such authorization does not

authorize Petitioner to take any action that would obligate the City in any way or cause the City to incur any risk or cost.

III.

This Resolution shall be published one time in the *Round Rock Leader*, the official newspaper of the City, and upon such publication authorization of the Forest Creek Drive Public Improvement District shall become effective.

IV.

City staff is hereby authorized to take all action necessary to prepare a preliminary assessment roll, publish any necessary notices, set dates for public hearings and take all other action necessary to effectuate the purposes of this Resolution.

V.

The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

RESOLVED this 10th day of March, 2005.

MOTION: Councilmember Clifford moved to approve the resolution. Mayor Pro-tem McGraw seconded the motion.

<u>VOTE:</u>	Ayes:	Councilmember Nielson
		Mayor Pro-tem McGraw
		Councilmember Clifford
		Councilmember Knight
		Councilmember Rhode
		Councilmember Coe
		Mayor Maxwell
	Nays:	None
	Absent:	None

ACTION: The motion carried unanimously.

14.B.3. Consider a resolution setting the date, time and place for a public hearing on the proposed assessments for the Forest Creek Drive Public Improvement District. Tom Martin, Director of Transportation Services. This resolution will set a public hearing at 7:00 p.m. on the 14th day of April, 2005 in the City Council

Chamber located in City Hall at 221 East Main Street for the proposed assessments for the Forest Creek Drive PID.

RESOLUTION NO. _____

A RESOLUTION SETTING A DATE, TIME AND PLACE FOR A PUBLIC HEARING ON THE PROPOSED ASSESSMENTS AGAINST THE REAL PROPERTY WITHIN THE FOREST CREEK DRIVE PUBLIC IMPROVEMENT DISTRICT; AND AUTHORIZING PUBLICATION OF NOTICE OF SAID HEARING.

WHEREAS, a petition regarding the creation and establishment of the Forest Creek Drive Public Improvement District (PID) has been submitted to the City, and

WHEREAS, the City held a public hearing on March 10, 2005 regarding the creation and establishment of the PID and approved such creation, and

WHEREAS, the City now desires to call a public hearing to consider the proposed assessments against real property within the PID, Now Therefore

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ROUND ROCK, TEXAS,

I.

That a public hearing regarding the proposed assessments against real property within the Forest Creek Drive Public Improvement District shall be held before the City Council of the City of Round Rock, Texas on the 14th day of April, 2005 at 7:00 p.m. in the City Council Chambers at 221 East Main Street, Round Rock, Texas 78664.

II.

That the City Secretary is directed to give proper notice of the hearing as required by Section 372.009 of the Local Government Code.

The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

RESOLVED this 10th day of March, 2005.

MOTION: Councilmember Rhode moved to approve the resolution. Councilmember Nielson seconded the motion.

VOTE: Ayes: Councilmember Nielson
 Mayor Pro-tem McGraw
 Councilmember Clifford
 Councilmember Knight
 Councilmember Rhode
 Councilmember Coe
 Mayor Maxwell
 Nays: None
 Absent: None

ACTION: The motion carried unanimously.

14.C.1. Consider a resolution authorizing the Mayor to execute an Agreement for Consulting Services for Office Space Architectural Programming Services for Proposed City Hall with Page Southerland Page, LLP. Joe Vining, Executive Director Community Development made the staff presentation. The city undertook a study in the late 1990's much has changed since that time. This information is needed prior to the schematic planning required to design the new City Hall. The cost of the services is \$33,600.00 plus expenses.

RESOLUTION NO. _____

WHEREAS, the City of Round Rock desires to retain professional consulting services to conduct an office space programming study for the proposed City Hall, and

WHEREAS, Page Southerland Page, L.L.P. has submitted an Agreement for Consulting Services for Office Space Architectural Programming Services for Proposed City Hall to provide said services, and

WHEREAS, the City Council desires to enter into said Agreement with Page Southerland Page, L.L.P., Now Therefore

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ROUND ROCK, TEXAS,

That the Mayor is hereby authorized and directed to execute on behalf of the City an Agreement for Consulting Services for Office Space Architectural Programming Services for Proposed City Hall with Page Southerland Page, L.L.P., a copy of said Agreement being attached hereto as Exhibit "A" and incorporated herein for all purposes.

The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this

Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

RESOLVED this 10th day of March, 2005.

MOTION: Councilmember Clifford moved to approve the resolution. Councilmember Knight seconded the motion.

<u>VOTE:</u>	Ayes:	Councilmember Nielson
		Mayor Pro-tem McGraw
		Councilmember Clifford
		Councilmember Knight
		Councilmember Rhode
		Councilmember Coe
		Mayor Maxwell
	Nays:	None
	Absent:	None

ACTION: The motion carried unanimously.

14.C.2. Consider a resolution authorizing the Williamson County Appraisal District to construct a building on the 5.826 tract of land on FM 1460 in Georgetown, Texas.

David Kautz, Assistant City Manager/Chief Financial Officer made the staff presentation. This resolution authorizes the Williamson County Appraisal District to construct a building on the 5.826 tract of land on FM 1460 in Georgetown directly across from the new City of Georgetown's municipal complex. Through Resolution R-04-06-24-17E2, the City Council authorized the Appraisal District to purchase a piece of property upon which this building will be constructed providing more room for appeals, more parking space and space for the increased number of employees needed for several years. The building will be approximately 30,000 square feet and cost between 4.15 and 4.65 million dollars.

Robert Tagge, a member of the Board of Directors outlined the history of this item and answered questions from the Council.

RESOLUTION NO. _____

WHEREAS, §6.051, Tex. Tax Code authorizes the Board of Directors of an appraisal district to purchase real property and construct improvements as necessary to establish and operate the appraisal office, and

WHEREAS, the Board of Directors of the Williamson County Appraisal District ("District") has previously delivered to the City of Round Rock ("City") a copy of Resolutions #2004-01 and #2004-02 requesting approval to purchase a tract of land and sell their existing building, and

WHEREAS, the City, by Resolutions R-04-06-24-17E1 and R-04-06-24-17E2 approved the District's request, and

WHEREAS, the District is now requesting approval of the construction of a building on the land, and

WHEREAS, the District has also delivered to the City information showing the proposed cost of the building, and

WHEREAS, §6.051, Tex. Tax Code requires that an appraisal district's construction of a building must be approved by three-fourths (3/4) of the taxing units entitled to vote on the appointment of board members, and

WHEREAS, the City of Round Rock is one of the said taxing units, and

WHEREAS, the City Council wishes to approve the construction of the District's building, Now Therefore

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ROUND ROCK, TEXAS,

That the Williamson County Appraisal District's request to construct a building on a 5.826 acre tract of land in the C. Stubblefield Survey, Abstract No. 558 in the City of Georgetown is hereby approved.

The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

RESOLVED this 10th day of March, 2005.

MOTION: Mayor Pro-tem McGraw moved to approve the resolution. Councilmember Clifford seconded the motion.

<u>VOTE:</u>	Ayes:	Councilmember Nielson Mayor Pro-tem McGraw Councilmember Clifford Councilmember Knight Councilmember Rhode Councilmember Coe Mayor Maxwell
	Nays:	None
	Absent:	None

ACTION: The motion carried unanimously.

APPOINTMENTS:

15.A. Consider the confirmation of the City Manager's appointment of Jeff Seiler to fill an unexpired term on the Civil Service Commission. Jim Nuse, City Manager made the staff presentation. Rufus Honeycutt has resigned from the Commission because he has chosen to seek election for a place on the City Council. He has chosen Jeff Seiler to fill the unexpired term of Mr. Honeycutt, which expires

July 1, 2005. The Civil Service law, adopted through popular election, requires a 3-member commission. The commission is appointed by the City Manager and confirmed by the City Council.

MOTION: Councilmember Rhode moved to accept the appointment. Mayor Pro-tem McGraw seconded the motion.

VOTE:

Ayes:	Councilmember Nielson Mayor Pro-tem McGraw Councilmember Clifford Councilmember Knight Councilmember Rhode Councilmember Coe Mayor Maxwell
Nays:	None
Absent:	None

ACTION: The motion carried unanimously.

COUNCIL COMMENTS: None

EXECUTIVE SESSION:

16.A. Consider Executive Session as authorized by §551.072 Government Code, related to the possible purchase of Right of Way from Palm Valley Lutheran Church for the Highway 79 project. Mayor Maxwell called the executive session to order for this item at 9:15 p.m. This executive session adjourned at 10:14 p.m.

16.B. Consider Executive session as authorized by §551.071 Government Code, to conduct a private consultation with the City Attorney where the duty of the City Attorney to the City Council under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Chapter 551 of the Government Code. The private consultation will be regarding statutory and case law concerning contemplated annexations.

Mayor Maxwell called the executive session to order for this item at 10:16 p.m. This executive session adjourned at 10:55 p.m.

ADJOURNMENT: There being no further business, the meeting
adjourned at 10:56 p.m.

Respectfully submitted,

Christine R. Martinez, City
Secretary